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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Panerwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/660,186 TRANSMITTAL Filing Date September 11, 2003 First Named Inventor FORM Beckley et al. Art Unit 1713 **Examiner Name** Michael Bemshteyn (to be used for all correspondence after initial filing) Attorney Docket Number Total Number of Pages in This Submission A01477 **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(\$) Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Provisional Application Proprietary Information Power of Attorney, Revocation Affidavits/declaration(s) Change of Correspondence Address Status Letter Other Enclosure(s) (please Identify Extension of Time Request Terminal Disclaimer below): Request for Refund Express Abandonment Request Information Disclosure Statement CD, Number of CD(s) Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Rohm and Haas Company Signature Printed name Carl P. Hemenway Date October 2008 Reg. No. 51,798 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Signature \mathfrak{o} \star \mathcal{M} Typed or printed name Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED CENTRAL FAX CENTER OCT 1 6 2008

Docket No.:

A01477

:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/660,186

Applicant

Ronald Scott Beckley

Filed

9/11/2003

Title

Michael Addition Compositions

TC/Art Unit

1713

Examiner

Michael Bernshtevn

Mail Stop Petition Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 CFR §1.181(A) TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

On October 7, 2008, the United States Patent and Trademark Office (herein "USPTO") mailed a Notice of Abandonment for the above-identified US Patent Application. Applicants respectfully request that the holding of abandonment be withdrawn. Applicants' reasons for this request are as follows.

Summary

On March 11, 2008, the USPTO mailed a Pre-Brief Appeal Conference Decision to Applicants. That decision stated, "The rejection is withdrawn and a new Office Action will be mailed. No further action is required by applicant at this time."

The next paper received by Applicants was a Notice of Abandonment mailed on October 7, 2008, which stated that the Application was abandoned due to "Applicant's failure to timely file a proper reply to the Office letter mailed on 11 March 2008."

Applicants submit that no Rejection subsequent to the Pre-Brief Conference Decision of March 11, 2008 was received by Applicants. Additionally, Applicants submit that no Rejection subsequent to the Pre-Brief Conference Decision mailed on

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March 11, 2008 was placed in the Image File Wrapper of USPTO's Patent Application Information Retrieval system (herein "PAIR"). Consequently, because no Rejection was either mailed or made available on PAIR, Applicants submit that there was no rejection on record to which Applicants could reply. Therefore, Applicants respectfully request that the holding of abandonment be withdrawn.

Evidence relevant to these arguments is presented herein below.

USPTO's PAIR

Appendix 1 (attached hereto) is a printout of the Image File Wrapper of PAIR for the present application. This printout shows that a Pre-Brief Conference Decision was mailed on 03-11-2008 and that the next document mailed was the Abandonment mailed on 10-07-2008. Applicants point out that no Rejection is recorded in the Image File Wrapper subsequent to the Pre-Brief Conference Decision of 03-11-2008.

Appendix 2 is included here to verify that the document stored in the Image File Wrapper of PAIR is indeed the decision of the Pre-Appeal Brief panel. When the link in the Image File Wrapper of PAIR labeled "Pre-Brief Appeal Conference decision" is followed, the document that appears is reproduced in Appendix 2. This document is indeed the "Notice of Panel Decision from Pre-Appeal Brief Review."

Appendix 3 is included here for completeness. Appendix 3 is a printout of the "Transaction History" of PAIR. The Transaction History shows that a document was prepared on 03-10-2008 and then mailed on 03-11-2008. The Transaction History characterizes that document as "Non-Final Rejection."

Applicants' Records

Correspondence from USPTO in the present application is mailed to the Patent Department of Rohm and Haas Company at 100 Independence Mall West, Philadelphia PA 19106-2399. A paper copy of each received item is stored. Additionally, each mail item that is received is scanned and stored electronically in Rohm and Haas's "Electronic File Wrapper" (herein "EFW"). Thus the list of items available for viewing in the EFW is a reliable list of the items that have been received from the USPTO.

Attached hereto (Appendix 4) is a list, generated by the software that is used for maintaining the EFW, of the items that are available for viewing in the EFW for the present Application, which has Applicants' Attorney Docket Number A01477. Papers for the present application in the United States are shown under the subheading "US." For the time period from March 11, 2008 to the present, this list shows the same items as the USPTO's Image File Wrapper in PAIR. That is, the EFW list shows that Applicants received the Pre-Brief Appeal Conference decision that was mailed on 03-11-2008 and the Notice of Abandonment mailed on 10-07-2008. As the EFW list verifies, Applicants did not receive any Rejection subsequent to the Pre-Brief Appeal Conference Decision mailed on 03-11-2008.

The document listed in the EFW for 03/11/2008 is the Notice of Panel Decision from Pre-Appeal Brief Review mailed on 03/11/2008, identical to the document displayed herein below in Appendix 2.

The undersigned Agent has reviewed the file of paper copies of documents received from the USPTO in this application. That review verified that the record as shown in the EFW agrees with the record as shown by the file of paper copies of the documents.

Also attached hereto are two "Docket Reports." Each Docket report is a "to do" list for the undersigned Agent. When a document is received by Rohm and Haas by mail from the USPTO, an administrative assistant makes a record of that document in computer software called Computer Packages Inc., which generates the Docket Report showing the appropriate due dates. For example, when a Non-Final Rejection or a Final Rejection is received, the mailing date is noted, and a "response due" is generated with a due date that is three months from the mailing date of the rejection.

Attached hereto (Appendix 5) is one page of a Docket Report printed on 03-Jun-2008 (as shown in the lower left-hand corner). This Docket Report shows that there is no item with a due date of 11-Jun-2008. If a Rejection in the present case had arrived containing a rejection (either final or non-final) and having a mailing date of March 11, 2008, the Docket Report would have shown a response due date for docket number A01477 of 11-Jun-2008. Therefore, the Docket Report shown in Appendix 5 supports

Applicants' assertion that no Rejection containing a rejection and having a mailing date of March 11, 2008 was received.

Also attached hereto (Appendix 6) is a Docket Report printed on 14-Oct-2008. This report displays an item (described as "Confirm Abandonment?") due on 21-Oct-2008 for Docket Number A01477. This item is attached to the present paper to verify that the system in place at Rohm and Haas is reliable. That is, when the Notice of Abandonment arrived, the due date for the standard response action to such documents was properly generated, and the due date properly appeared in the proper Docket Report. Therefore, the image in Appendix 6 supports the assertion made herein above that, because the Docket Report system is reliable, Applicants are confident that if a Rejection had been received that was mailed by USPTO on March 11, 2008, then a due date of 11-Jun-2008 would have appeared on the Docket Report of Appendix 5.

Conclusion

Between March 11, 2008 and the present, no Rejection subsequent to the Pre-Brief Appeal Conference Decision that was mailed on 03-11-2008 was received by Applicants. Additionally, no such Rejection was placed into the Image File Wrapper of PAIR. Applicants' records and the Image File Wrapper of PAIR agree on these points. Consequently, because no there is no Rejection on record subsequent to the Pre-Brief Appeal Conference Decision mailed on 03-11-2008, Applicants respectfully submit that the holding of abandonment is improper, and Applicants respectfully request that the holding of abandonment be withdrawn.

Applicants submit that the above arguments are sufficient to demonstrate that the holding of abandonment should be withdrawn. In addition to the above arguments, Applicants wish to comment on the Transaction History of PAIR. The Transaction History shows that exactly one document was prepared on 03-10-2008 and then mailed on 03-11-2008. The only means that Applicants have to learn the contents of that document is the Image File Wrapper of PAIR. The Image File Wrapper shows exactly one document mailed on 03-11-2008, which is the Notice of Panel Decision from Pre-Appeal Brief Review. Consequently, Applicants concluded that the one document mailed on 03-11-2008 was the Notice of Panel Decision from Pre-Appeal Brief Review,

Docket No. A01477

and Applicants submit that this conclusion is the reasonable conclusion based on the information available on PAIR. That is, Applicants submit that the reasonable conclusion based on the information in PAIR is that a Notice of Panel Decision from Pre-Appeal Brief Review was mailed on 03-11-2008 and that a Rejection was not mailed on 03-11-2008.

In sum, Applicants submit that Applicants did not receive a Rejection subsequent to the Notice of Panel Decision from Pre-Appeal Brief Review mailed on 03-11-2008 and that no such Rejection existed on PAIR. Consequently, Applicants submit that the present Application should not be held abandoned, and Applicants respectfully request that the holding of abandonment be withdrawn.

No fees are believed to be due in connection with the submission of this Petition; however, if any such fees, including petition or extension fees, are due, the Commissioner is hereby authorized to charge them, as well as to credit any overpayments, to Deposit Account No. 18-1850.

Respectfully Submitted,

Rohm and Haas Company Independence Mall West Philadelphia, PA 19106-2399

Date: October 16, 2008

Carl P. Hemenway
Agent for Applicants

Registration No. 51,798 Tel: 215-619-5242

Fax: 215-619-1612

Docket No. A01477

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Image File Wrapper from USPTO's PAIR (one page showing the most recent entries)

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10/15/2008

page 6 of 12

Appendix 2: (2 pages)

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Image from PAIR of Notice of Panel Decision from Pre Appeal Brief Review mailed on 03/11/2008

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United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Fateri and Numerated Office
Address Collaboration FOR PATENTS
P.D. Box 103
According United 22013-103

APPLICATION NO.	FILING DATE	FIRST HAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIDMATION NO	
10/660,186	09/11/2003	Rosajid Scott Backjey	A01477	5800	
21898 7580 03/21/2008 ROHM AND HAAS COMPANY PATENT DEPARTMENT				EXAM	INER
			RESURSATION	N, MICHAEL	
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			1796		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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OCT 1 6 2008

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination BECKLEY ET AL.	
	10/860,186		
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_	RANDY GULAKOWSKI	1796	

Notice of Panel Decision from Pre-Appeal Brief Review This is in response to the Pre-Appeal Brief Request for Review filed 7/30/07 1. The Request is improper and a conference will not be held for the following The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
The request does not include reasons why a review is appropriate.

A proposed amendment is included with the Pre-Appeal Brief request.
Other: The time period for filing a response contitues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received. 2. Proceed to Board of Patent Appeals and Interferences — A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from making this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable. The panel has determined the status of the claim(s) is as follows: Claim(s) sllowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: Altowable application – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the menta remains closed. No further action is required by applicant at this time. 4. ☑ Reopen Procecution — A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time. All participants: (1) RANDY GULAKOWSKI (3)<u>Michael Bernshteyn</u>. (2) James Seidieck.

U.S. Patent and Trademark Office

Part of Paper No. 20080221

Appendix 3:
Transaction History from USPTO's PAIR (one page showing the most recent entries)

 $https://sportal.uspto.gov/secure/PA_1_0_1BP/PAIRPrintServlet\\$

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Transaction Description	-
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Non-Final Rejection	
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Mail Advisory Action (PTOL - 303)	
Advisory Action (PTOL-303)	
Date Forwarded to Examiner	
Amendment after Final Rejection	
Mail Final Rejection (PTOL - 326)	
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Date Forwarded to Examiner	
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Response after Non-Final Action Request for Extension of Time - Granted	
	Transaction Description Mail Abandonment for Failure to Respond to Office Action Abandonment for Failure to Respond to Office Action Mall Non-Final Rejection Non-Final Rejection Notice of Appeal Filed Case Docketed to Examiner in GAU Mail Advisory Action (PTOL - 303) Advisory Action (PTOL - 303) Date Forwarded to Examiner Amendment after Final Rejection Mail Final Rejection (PTOL - 326) Final Rejection Information Disclosure Statement considered Information Disclosure Statement considered Information Disclosure Statement considered Information Disclosure Statement (IDS) Filed Information Disclosure Statement (IDS) Filed Information Disclosure Statement (IDS) Filed Mail Non-Final Rejection Non-Final Rejection Date Forwarded to Examiner Mail Appeals conf. Reopen Prosec. Pre-Appeals Conference Decision - Reopen Prosecution Notice of Appeal Filed Miscellaneous Incoming Letter Request for Pre-Appeal Conference Filed Notice of Appeal Filed Mail Supplemental Advisory Action Supplemental Examiner Action Mail Advisory Action (PTOL - 303) Advisory Action (PTOL - 303) Date Forwarded to Examiner Amendment after Final Rejection Mail Final Rejection (PTOL - 326) Final Rejection Date Forwarded to Examiner Response after Non-Final Action

10/15/2008

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Appendix 4: Document List from Applicants' Electronic File Wrapper

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Appendix 5: Docket Report printed on 03-Jun-2008 (one page)

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utorney: - Oz	arl P. Hdrilenway	; ;			
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0-Nov-2007	A01820 EP	Check EP Register - Int Class	Contacting Crop Plants With Compositions.	AGRO	
3-Feb-2008	A01929 US	Filing Reminder	Oli Formulations	AGRO	
3-Feb-2008	A01929 US	Foreign Filing Reminder	QII Formulations	AGRO	
05-May-2008	A01947 US	Filing Reminder	Method For Making Inclusion Complex	AGRO	
6-May-2008	A01947 US	Foreign Filing Reminder	Method For Malding Inclusion Complex	AGRO	
5-May-2006	A01182 EP	Grant Notices	Triggered Release Compositions and Process	PMD	
21-May-2006	A01820 EP	Request Examination	Contacting Crop Plants With Compositions.	AGRO	
21-May-2008	A01918 EP	Request Examination	Treating Horticultural Crops	AGRO	
28-May-2008	A01901 EP 1	Search Report to US	Cationic Polymer Latex	PMD	
06-Jun-2008	A01861 EP	Search Report to US	Cyclopropena Compositions	AGRO	
06-Jun-2008	A01901 US	Information Disclosure Stript	Cationic Polymer Latex	PMD	
06-Jun-2008	A01902 US 1	Information Disclosure Simmi	Method For Reading Test Strips:	PMD	
07-Jun-2006	A01955 US	Filing Reminder	Method Involving High Plant Density	AGRO	
07-Jun-2008	A01955 US	Foreign Filing Reminder	Method Involving High Plant Density	AGRO	
12-Jun-2008	A01717 EP	Grant Notices	Compatabilization Of Esters With Ladoes.	PCIFC	
14-Jun-2008	A01268 EP 0	Response due	A Method of Improving the Mell Processing of Thermoplastic Polymers and Compositions Produced Thereby	PBPLA	
15-Jun-2008	A01620 US 1	Non-Compliant Appeal Brief	Moisture-Reactive Hot-Melt Adhesive	PBAS	
15-Jun-2008	A01893 IN	Details of corres applins	Method of Making a Complex	AGRO Adr	
16-Jun-2008	.A01752A CN	Response	Method For Promoting Michael Addition Reactions.	PBAP	
18-Jun-2008	A01778 CN	Response	Swellable Particles.	PXIEB	
17-Jun-2006	A01813 US	ișaue Fee Due	Polymerization Of Monomers With Differing Reactives.	PMD	
18-Jun-2008	. A01655 CA	Rasponse	Compositions With Cyclopropenes And Adjuvants.	AGRO	
18-Jun-2008	A01656 CA	Response	Compositions With Cyclopropenes And Metal- Completing Agents.	AGRO	
20-Jun-2008	A01875 EP	Response due	Biomass Based Michael Addition Compositions.	PBAP	
21-Jun-2008	A01456 EP	51(4) check file be4 approval	Method For Preparing A Bonded Composite.	PBAP	
21-Jun-2008	A01792 CL	Copy of PCT or EP Search Rpt	Compositions With Cyclopropenes.	AGRO	
21-Jun-2008	A01792 CR	Centified Copy of US Grant	Compositions With Cyclopropenes.	AGRO	

Appendix 6: Docket Report printed on 14-Oct-2008 (one page)

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Attorney: Or	art P. Hemenway				
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07-Jun-2008	A01956 US	Filing Reminder	Method involving High Plant Density	AGRO	
07-Jun-2008	A01955 US	Foreign Filing Reminder :	Method knicking High Plant Density	AGRO	
13-Sop-2008	A01791 EP	Response due - extended	Compositions With Cyclopropenes And Non- Hydrocarbon Oils.	AGRO	
13-Gep-2008	A01980 US	Filing Reminder	CYCLOPADPENE COMPLEX COMPOSITIONS	AGRO	
13-Sep-2006	A01980 US	Foreign Filing Reminder	CYCLOPROPENE COMPLEX COMPOSITIONS	AGRO	
3-Oct-2008	A01983 US	Filing Reminder	Method of Emulsion Polymerization	PBPLA	
3-04-2008	A01983 US	Foreign Filing Reminder	Method of Emutsion Polymerization	PBPLA	
3-Oct-2008	A01986 US	Filing Reminder	Hair Styling Composition	PX&PC	
3-Oct-2008	A01986 US	Foreign Filing Reminder	Hair Styling Composition	PX&PC	
2-001-2008	A01674 JP	Deferred Exam	Surface Promoted Michael Cure Compositions.	PBAP	
6-Oct-2008	A01714 US 1	Due Date - Election	Plant Growth Regulation.	AGRO	
8-Oct-2008	A01476A JP	Response re Amendment	Methods of Using Michael Addition Compositions.	PBAP	
9-Oct-2009	A01645 EP	Claims and printing fees	Process For Making Urethane-Containing Structures And The Structures Made Thereby	PBAP	
9-Oct-2009	A01791 CN	Response final extension	Compositions With Cyclopropenes And Non- Hydrocarbon Oils.	AGRO	
1-001-2008	A01477 US 1	Confirm Abandonment?	Michael Addition Composition.	PBAP	
1-Oct-2008	A01792 CL	Copy of PCT or EP Search Rot	Compositions With Cyclopropenes.	AGRO-	
1-Oct-2008	A01792 CR	Certified Copy of US Grant	Compositions With Cyclopropenes.	AGRO	
3-Oct-2008	A01656 CO	Response	Compositions With Cyclopropenes And Metal- Complexing Agents.	AGRO .	
4-Oct-2008	A01327A US	Issue Fee Due	METHOD OF APPLYING REMOVABLE COATING COMPOSITIONS	PCIFC	
1-Oct-2008	A01583 JP	Response	Materials For Bonding Elastomer.	PBATR	
I-Oct-2008	A01792 QQ	Request Examination	Compositions With Cyclopropenes.	AGRO	
I-Oc1-2008	A01929 US 1	Information Disclosure Strent	Oli Formulations	AGRO	
-Oct-2008	A01791 US 1	Appeal Brief Due	Compositions With Cyclopropenes And Non- Hydrocarbon Olls.	AGRO	
3-Oct-2008	97075E US	Improper CPOA Letter	PROCESS FOR PREPARING POLYMER EMULSIONS AND POLYMERS FORMED THERFROM.	PGA	Admin
HOc1-2008	A01645 US	2 Month Due Date	Process For Making Urethane-Containing Structures And The Structures Made Thereby	PBAP	

page 12 of 12